

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

ARLUTHA SMILEY

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2:05CV736-T  
CR. NO. 2:93cr310  
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**ORDER**

Defendant Arlutha Smiley has filed a pleading styled as a "*Motion for Reconsideration*" (Doc. 1575), wherein he challenges the conviction and sentence imposed upon him by this court in 1994 for a controlled substance offense. A review of the claims presented by Smiley in his pleading indicates that he seeks relief from this court that is appropriate only under the remedy provided by 28 U.S.C. § 2255. Accordingly, the Clerk of this court is hereby **DIRECTED** to:

1. Open a civil action under 28 U.S.C. § 2255.
2. Docket Smiley's "*Motion for Reconsideration*" (currently docketed as Doc. 1575 under 2:93cr310) in the newly opened civil action.
3. Assign the newly opened case to the Magistrate Judge and District Judge to whom the instant case is assigned; and
4. Refer the case file to the appropriate Magistrate Judge for further proceedings upon completion of the foregoing directives.

Done this 3<sup>rd</sup> day of August, 2005.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE